

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :
: :
v. : Crim. No. 19-356
: Civ. No. 20-cv-3351
: :
ANDREW BERKOWITZ :
:

ORDER

On July 6, 2020 Defendant Andrew Berkowitz—who is currently awaiting sentencing—filed a self-styled Habeas Petition pursuant to 28 U.S.C. § 2241, to which the Government has responded. (20-cv-03351, Doc. No. 1; 19-cr-0356, Doc. No. 79.) The core of Defendant’s argument appears to be that he is dissatisfied with his privately-retained counsel, and wishes to withdraw his guilty plea. (20-cv-03351, Doc. No. 1.)

Defendant filed his Petition on a separate civil docket without paying the requisite filing fees. In any event, any habeas challenge is premature, as Defendant has not yet been sentenced. See Stone v. United States, No. CV 19-21052 (SDW), 2019 WL 6696281, at *1 (D.N.J. Dec. 9, 2019); Hoover v. Anderson, No. CV 20-715 (SRC), 2020 WL 525925, at *2 (D.N.J. Jan. 31, 2020); Gov’t of Virgin Islands v. Bolones, 427 F.2d 1135, 1136 (3d Cir. 1970); see also Reese v. Warden Philadelphia FDC, 904 F.3d 244, 245 (3d Cir. 2018) (“[A] federal detainee’s request for release pending trial can only be considered under the Bail Reform Act and not under a § 2241 petition for habeas relief.”)

Defendant has also filed a “Motion for Preliminary Injunction,” which is unintelligible and offers no plausible basis for me to grant relief of any kind. (20-cv-03351, Doc. No. 4.) I will thus deny Defendant’s *pro se* Motions.

Defendant hired his lawyer, and is free to replace him with another lawyer. Presumably,

Defendant will do so after the status hearing scheduled for August 19, 2020.

AND NOW, this 28th day of July, 2020, it is hereby **ORDERED** as follows:

1. Defendant's Petition for Habeas Corpus pursuant to 28 U.S.C. § 2241 (20-cv-03351, Doc. No. 1) is **DISMISSED**.
2. Defendant's "Motion for Preliminary Injunction" (20-cv-03351, Doc. No. 4) is **DENIED**.
3. The Clerk of Court shall **CLOSE** case number 20-cv-3351. All other related proceedings shall remain **OPEN**.

AND IT IS SO ORDERED.

/s/ Paul S. Diamond

Paul S. Diamond, J.